

Final Rule

LSA Document #12-50(F)

DIGEST

Adds [312 IAC 18-3-23](#) to designate, as pests or pathogens, certain invasive aquatic plants to prohibit the sale, distribution, and transport of these invasive aquatic plants. Effective 30 days after filing with the Publisher.

[312 IAC 18-3-23](#)

SECTION 1. [312 IAC 18-3-23](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 18-3-23](#) Prohibited invasive aquatic plants

Authority: [IC 14-10-2-4](#); [IC 14-24-3](#)

Affected: [IC 14-24](#)

Sec. 23. (a) The following are prohibited invasive aquatic plants and are declared pests or pathogens regulated under this section:

- (1) *Azolla pinnata* (mosquito fern).
- (2) *Butomus umbellatus* (flowering rush).
- (3) *Caulerpa taxifolia* (caulerpa or Mediterranean killer algae).
- (4) *Egeria densa* (Brazilian elodea, Brazilian waterweed, Anacharis, or Egeria).
- (5) *Eichhornia azurea* (anchored water hyacinth).
- (6) *Hydrilla verticillata* (Hydrilla or water thyme).
- (7) *Hydrocharis morsus-ranae* (European frogbit or common frogbit).
- (8) *Hygrophilia polysperma* (miramar weed, Indian swampweed, or hygro).
- (9) *Ipomoea aquatica* (Chinese waterspinach or swamp morning-glory).
- (10) *Iris pseudacorus* (yellow flag iris or tall yellow iris).
- (11) *Lagarosiphon major* (oxygen weed or African elodea).
- (12) *Limnophila sessiliflora* (Asian marshweed or ambulia).
- (13) *Monochoria hastata* (monochoria, arrowleaf, or false pickerelweed).
- (14) *Monochoria vaginalis* (heartshape or false pickerelweed).
- (15) *Myriophyllum aquaticum* (parrot feather or parrot feather watermilfoil).
- (16) *Myriophyllum spicatum* (Eurasian watermilfoil).
- (17) *Najas minor* (brittle naiad or brittle water nymph).
- (18) *Nymphoides peltata* (yellow floating heart).
- (19) *Ottelia alismoides* (duck lettuce).
- (20) *Potamogeton crispus* (curlyleaf pondweed).
- (21) *Sagittaria sagittifolia* (arrowhead).
- (22) *Salvinia auriculata* (giant salvinia).
- (23) *Salvinia biloba* (giant salvinia).
- (24) *Salvinia herzogii* (giant salvinia).
- (25) *Salvinia molesta* (giant salvinia).
- (26) *Sparganium erectum* (exotic bur-reed).
- (27) *Trapa natans* (water chestnut).
- (28) *Typha angustifolia* (narrow-leaf cattail).

(b) This section applies to any part or life stage of the species identified in subsection (a).

(c) Except as provided in subsection (d), a person must not do the following with respect to any species identified in subsection (a):

- (1) Sell, offer for sale, gift, barter, exchange, or distribute a species.
- (2) Transport a species on or within any:
 - (A) boat;
 - (B) trailer;
 - (C) motor vehicle;

- (D) bait bucket;
- (E) fishing gear;
- (F) creel;
- (G) tackle;
- (H) tackle box; or
- (I) other means.

(d) Exempted from this section are the following:

- (1) A person who possesses a species identified in subsection (a) under a permit issued by the state entomologist.
- (2) A person engaged in a project approved by the state entomologist for the destruction of a species.

(e) The division may regulate an area infested by a species identified in subsection (a) to prevent its movement.

(f) A person who discovers a species identified in subsection (a) may do the following:

- (1) Report the discovery to a department fisheries biologist or to the following address:

Department of Natural Resources
Division of Fish and Wildlife
Aquatic Invasive Species Coordinator
402 West Washington Street, Room W273
Indianapolis, IN 46204

- (2) Include in the report provided under subdivision (1):

- (A) The location of the discovery, including the name of the county and the waterway.
- (B) The date of the discovery.
- (C) Contact information for the person making the report, including telephone number and address.

(Natural Resources Commission; [312 IAC 18-3-23](#); filed Aug 1, 2012, 10:57 a.m.: [20120829-IR-312120050FRA](#))

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Notice of Intent: [20120118-IR-312120050NIA](#)

Proposed Rule: [20120411-IR-312120050PRA](#)

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Small Business Regulatory Coordinator: Eric Fischer, Program Director, Division of Fish and Wildlife, Department of Natural Resources, 402 West Washington Street, Room W273, Indianapolis, IN 46204, 317-234-3883, efischer@dnr.in.gov

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